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REPUBLIEK VAN SUID-AFRIKA

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Kaapstad, Maart

THE PRESIDENCY

No. 275 28 March 2007

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 18 of 2006: Measurement Units and Measurement Standards Act, 2006.

OFISI KAMONGAMELI

Ino. 275 28 March 2007

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelele kolu xwebhu:—

Ino. 18 ka-2006: uMthetho omaLunga neeYunithi zeMlinganiselo kunye neMigangatho yeMilinganiselo, 2006.

*(English text signed by the President.)
(Assented to 25 March 2007.)*

ACT

To provide for the use of measurement units of the International System of Units and certain other measurement units; to provide for the designation of national measurement units and standards; to provide for the keeping and maintenance of national measurement standards and units; to provide for the establishment and functions of the National Metrology Institute; to provide for the repeal of certain laws; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING—

- the need for an internationally recognised national metrology system as the foundation for the South African measurement system;
- the need to strengthen the metrology system as a key component of the technical infrastructure that is aligned with international best practice;
- the importance of ensuring that South Africa maintains national measurement standards and demonstrates its comparability to international standards and measurements;
- the need for support of our enterprises competing in a fast-paced global economy and for public policy objectives with regard to compliance issues in terms of health, safety and the environment; and
- that government is committed to providing a supportive legal environment for a national metrology system; and

IN ORDER TO—

- recognise the National Metrology Institute as the body in South Africa responsible to provide for the use of measurement units of the International System of Units and certain other measurement units;
- designate national measurement standards and provide for keeping and maintaining national measurement standards and units; and
- disseminate traceability in the South African industry,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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INTERPRETATION

1. Definitions

(English text signed by the President.)
 (Assented to 25 March 2007.)

UMTHETHO

Ukulungiselela ukusetyenziswa kweeyunithi zemilinganiselo zeZixokelelwano zeHlabathi zeeYunithi kunye nezinye iyunithi zemilinganiselo; ukulungiselela ngomiliso lukazwelonke lweeyunithi zemilinganiselo kunye nemigangatho yemilinganiselo; ukulungiselela ukugcinwa kunye nolondolozo lwemigangatho kazwelonke lwemilinganiselo kunye neeyunithi; ukulungiselela ngomiliso kunye nemisebenzi yeZiko leMetroloji likaZwelonke; ukulungiselela ngoguzulo lwemithetho ethile; kunye nokulungiselela ngoqwalaselo lwemibandela enxulumene noko.

IMBULAMBETHE

NGOKUQONDA—

- imfuneko yesixokelelwano sikazwelonke semetroloji esivunywe lihlabathi jikelele njengesiseko sesixokelelwano somlinganiselo saseMzantsi Afrika;
- imfuneko yokuqiniswa kwesixokelelwano semetroloji njengexalenye engundoqo kwiziseko zoncdo lwangaphakathi kwezobuchwepheshe ezilungelelaniswe kunye nendlela yokusebenza echanekileyo kwiHlabathi jikelele;
- ukubaluleka kokuqinisekisa ukuba uMzantsi Afrika umilisele imigangatho kazwelonke yomlinganiselo kwaye ubonakalisa ukuhambelana kwayo kunye nemigangatho zemilinganiselo yehlabathi;
- imfuneko yenkxaso kwiimfuno zoshishino lwethu olukhuphisana kunye noqoqosho olukhawulezayo lwehlabathi nokulungiselela iinjongo zomgaqo-nkqubo ngokuxulumene nemibandela yokuthotyelwa kwezempilo, ezokhuseleko kunye nokusingqongileyo;
- urhulumente uzimisele ukunikezela ngomdla inkxaso esemthethweni yokusingqongileyo kwisixokelelwano sikazwelonke semetroloji; kwaye

KHON' UKUZE—

- kuqwalaselwe iZiko leMetroloji likaZwelonke njengeziko laseMzantsi Afrika elinoxanduva lokubonelela ngosetyenziso lomlinganiselo weeyunithi zesixokelelwano seHlabathi seeYunithi kunye nezinye iyunithi zomlinganiselo ezithile;
- kuchongwe imigangatho yomlinganiselo kazwelonke kukwanikezelwa ngogcino nolondolozo lweeyunithi kunye nemigangatho yomlinganiselo kazwelonke; kunye
- nokuchazwa ngokubanzi kwanobukho bomkhondo kushishino lwaseMzantsi Afrika,

KE NGOKO IMILISELWE kwiPalamente yeRiphabliki yoMzantsi Afrika, ngolu hlobo:—

ITHEYIBHILE YESIQUATHO

AmaCandelo

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SCHEDULE

CHAPTER 1

INTERPRETATION

Definitions

1. In this Act, unless the context indicates otherwise— 5
 - “**Board**” means the Board appointed in terms of section 10;
 - “**CIPM**” means the International Committee of Weights and Measures (Comité International des Poids et Mesures) established under the Metre Convention;
 - “**CIPM Mutual Recognition Arrangement**” means an arrangement signed by member states under the Metre Convention for the mutual recognition of national measurement standards and calibration and measurement certificates issued by National Metrology Institutes; 10
 - “**CSIR**” means the Council for Scientific and Industrial Research described in section 1 of the Scientific Research Act, 1988 (Act No. 46 of 1988);
 - “**Metre Convention**” (Convention du Mètre), means the diplomatic treaty which gives authority to the General Conference on Weights and Measures (Conférence Générale des Poids et Mesures (CGPM)), the CIPM and the International Bureau of Weights and Measures (Bureau International des Poids et Mesures (BIPM)) to act in matters of world metrology, particularly concerning the demand for measurement standards of ever increasing accuracy, range and diversity, and the need to demonstrate equivalence between national measurement standards; 15 20
 - “**Minister**” means the Minister of Trade and Industry;
 - “**national measurement standard**” means a measurement standard designated in terms of section 5 as a national measurement standard;
 - “**national reference measurement**” means a reference measurement designated in terms of section 6 as a national reference measurement; 25
 - “**National Metrology Institute**” means the National Metrology Institute of South Africa established by section 8;
 - “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); 30
 - “**quantity**” means the property of a phenomenon, body or substance to which a magnitude can be assigned;
 - “**SI**” means the recommended practical system of units of measurement as accepted under the Metre Convention and known as the International System of Units (Système International d’Unités); 35
 - “**this Act**” includes any regulations made in terms of section 27;
 - “**traceable**” means traceable in terms of sections 5(3) and 6;
 - “**uncertainty of measurement**” means a parameter associated with the result of a measurement, that characterises the dispersion of the values that could reasonably be attributed to the measurement; 40
 - “**unit**” means a measurement unit published by the Minister in terms of section 2;
 - “**use**”, in relation to a unit, means the expression of the magnitude of any quantity by means of a unit.

ISHEDYULI

ISAHLUKO 1

INGUQULELO

Intsingiselo

1. Kulo Mthetho, ngaphandle kokuba umxholo uchaza ngolunye uhlobo— 5
 - “iBhodi” ithetha iBhodi yabaLawuli echongwe ngokwemiqathango yesolotya 10;
 - “CIPM” elibhekisa kwiKomiti yeHlabathi yobuNzima neMilinganiselo (eyi-Comité International des Poids et Mesures) eyasekwa phantsi kwesolotya lomthetho we-Metre Convention;
 - “I-CIPM Mutual Recognition Arrangement” ibhekisa kwisivumelwano esatyikitywa ngamazwe angamalungu phantsi kwe-Metre Convention 10
 - ngengqwalasela efanayo yemigangatho yomlinganiselo kunye nokuhlolisiswa neziqinisekiso zomlinganiselo ezakhutshwa ngamaZiko kaZwelonke eMetroloji;
 - “I-CSIR” ibhekisa kwiKhansile yoPhando kwezeNzululwazi nezoShishino echazwe kwisolotya 1 loMthetho woPhando kwezobuNzululwazi, 1988 (uMthetho 15
 - onguNombolo 46 ka-1988);
 - “I-Metre Convention” (Convention du Mètre), ibhekisa kwisivumelwano sezozakuzo esinika igunya kwiNkomfa yeHlabathi Jikelele emalunga nobuNzima neMilinganiselo ebizwa ngokuba (yi-Conférence Générale des Poids et Mesures (i-CGPM)), i-CIPM neBhyuro yeHlabathi yezoBunzima neMilinganiselo ebizwa 20
 - ngokuba (yi-Bureau International des Poids et Mesures (i-BIPM)) sokuba inike ingqwalasela eyodwa kwimetroloji yehlabathi jikelele, ingakumbi echaphazela imfuneko yemigangatho yomlinganiselo ochanekileyo neyanda imihla nezolo, uluhlu kunye neyantlukwano ndawonye nemfuneko yokubonakalisa ulingano phakathi kwemigangatho kazwelonke yolingano; 25
 - “Umphathiswa” uthetha uMphathiswa wezoRhwebo noShishino;
 - “umgangatho womlinganiselo kazwelonke” uthetha umgangatho womlinganiselo nosekwe ngokwemiqathango yesolotya 5 njengomgangatho womlinganiselo kazwelonke;
 - “Umlinganiselo kazwelonke wesalathiso” uthetha umlinganiselo wesalathiso 30
 - omiliselwe ngokwemiqathango yesolotya 6 njengomlinganiselo kazwelonke wesalathiso;
 - “IZiko likaZwelonke leMetroloji” lithetha iZiko likaZwelonke leMetroloji laseMzantsi Afrika elisekwe kwisolotya 8;
 - “UMthetho wokuPhathwa kweMali yoLuntu” uthetha uMthetho wokuPhathwa 35
 - kweMali yoLuntu, 1999 (uMthetho onguNombolo 1 ka-1999);
 - “umyinge” uthetha ipropati ebonakalayo necacileyo, iziko okanye into ephathekayo enokujongeka ngokobukhulu bayo;
 - “SI” ithetha owona mgaqo ocacileyo wezigaba zemimilinganiselo ucetyiswayo nowamkelekileyo ngaphantsi kwe-Metre Convention neyaziwa njengesixokelelwano sikaZwelonke seeYunithi (ii-Syst me International d’Unités); 40
 - “lo mthetho” uquka nayiphi na imiqathango eyenziwe ngokwemiqathango yesolotya 27;
 - “iyalandeleka” kuthetha iyalandeleka ngokwemiqathango yesolotya lesi-5(3) kunye nelesi-6; 45
 - “ukungaqinisekisi komlinganiselo” kuthetha ummiselo osisiphumo somlinganiselo, othi ubonakalise ukwanda kwexabiso elinokuthi layanyanise ngokukuko kunye nomlinganiselo;
 - “iyunithi” ithetha umlinganiselo weyunithi opapashwe nguMphathiswa ngokwemiqathango yesolotya 2; 50
 - “ukusetyenziswa” ngokwayemene kunye neyunithi, kuthetha ukuchazwa kwawo nawuphi umyinge ngokweyunithi.

CHAPTER 2

NATIONAL MEASUREMENT UNITS

Units

2. The units in the Republic and the symbols of those units and the rules relating to the use of units and their symbols must be— 5
- (a) the units, the appropriate symbols and the rules of the SI as published by the Minister in the *Gazette*; and
 - (b) such other units, such other symbols of those units and such rules relating to the use of those units and their symbols as the Minister may publish in the *Gazette*. 10

Prohibition of expression of magnitude of quantities and designation of units

3. (1) The Minister may by notice in the *Gazette* prohibit—
- (a) the expression, in the circumstances or for the purposes of or in connection with the matters and in respect of the goods or things specified in the notice, of the magnitude of quantities by means of any unit other than a unit so specified; 15
 - (b) the designation, in the circumstances or for the purposes of or in connection with the matters and in respect of the goods or things specified in the notice, of any unit so specified by means of any symbol other than a symbol so specified. 20
- (2) A notice contemplated in subsection (1) may be expressed to apply to a specified area only and may make provision for the granting of exemptions from any of its provisions.

Equivalent of certain units

4. The Minister may by notice in the *Gazette* determine the equivalent of any unit, expressed in any other unit of the same quantity, and any equivalent so determined must for all purposes be regarded to be the equivalent of the unit in question. 25

CHAPTER 3

NATIONAL MEASUREMENT STANDARDS

National measurement standards 30

5. (1) The Minister may by notice in the *Gazette* designate any measurement standard described in the notice as a national measurement standard.
- (2) The value of a national measurement standard in relation to the SI units must—
- (a) be the value as determined by the National Metrology Institute;
 - (b) be regarded as the most accurate value of that national measurement standard; 35
 - and
 - (c) have stated uncertainties of measurement.
- (3) A measurement standard which is not a national measurement standard must—
- (a) for the purposes of measurement for any legal purpose, be traceable to one or more national measurement standards; 40
 - (b) be so traceable that the measurement standard is related to one or more national measurement standards as contemplated in paragraph (a) through an unbroken chain of comparisons—
 - (i) stating appropriate uncertainties of measurement; and
 - (ii) carried out by a calibration laboratory accredited by the South 45
- African National Accreditation System (SANAS) or an accreditation body enabled in terms of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act in that specific area of metrology.

ISAPHLUKO 2

IYUNITHI ZOMLINGANISELO ZIKAZWELONKE

Iiyunithi

2. Iiyunithi ezikwiRiphabliki kunye neempawu zezo yunithi nolawulo olunxulumene nokusetyenziswa kweeyunithi kunye neempawu zazo kufuneka— 5
- (a) iiyunithi, iimpawu ezifanelekileyo kunye nolawulo lwe-SI ethe yapapashwa nguMphathiswa *kwiGazethi*; kunye
- (b) nezinye iiyunithi, eziyinxalenye yezo mpawu zezo yunithi kunye nemiqathango enxulumene nokusetyenziswa kwezo yunithi neempawu zazo njengoko uMphathiswa enokupapasha *kwiGazethi*. 10

Uthintelo lovakaliso lomlinganiselo womyinge nochako lweeyunithi

3. (1) UMphathiswa angathi ngesaziso kwiGazethi athintele—
- (a) imbonakalo, kwiimeko okanye ngeenjongo okanye ngokunxulumene nemibandela nakwiimpahla okanye izinto ezichazwe kwisaziso, ngobuninzi bexabiso ngokwayo nayiphi na iyunithi ngaphandle kwaleyo yunithi ichaziweyo; 15
- (b) isikhundla, kwiimeko, okanye iinjongo okanye ngokunxulumene nemibandela kunye nokunxulumene neempahla okanye izinto ezichaziweyo kwisaziso, nakuyo nayiphi iyunithi echazwe ngalo naluphi uphawu ngaphandle kophawu oluchaziweyo. 20
- (2) Isaziso esichazwe kwisolotyana (lo-1) sifanele ukuba sibonakaliswe kwindawo ethile kuphela kwaye unokwenza amalungiselelo okuba abekelwe ecaleni xa kukho imfuneko yoko.

Ulingano lweeyunithi ezithile

4. UMphathiswa ngesaziso *kwiGazethi* angathatha isigqibo malunga nobungakanani bayo nayiphi iyunithi, ebonakaliswe kuyo nayiphi iyunithi yomyinge ofanayo, kunye nayiphi elinganayo echaziweyo ngokweenjongo zonke kufuneka ithathwe njengelinganayo neyunithi ephantsi kwengqwalasela. 25

ISAPHLUKO 3

IMIGANGATHO YOMLINGANISELO KAZWELONKE

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Imigangatho yomlinganiselo kazwelonke

5. (1) UMphathiswa ngesaziso kwiGazethi angachonga nawuphi umgangatho womlinganiselo ochazwe kwisaziso njengomgangatho womlinganiselo kazwelonke.
- (2) Ixabiso lomgangatho womlinganiselo kazwelonke ngokunxulumene neeyunithi ze-SI kufuneka— 35
- (a) ibe lixabiso njengoko lichazwe kwiZiko likaZwelonke leMetroloji;
- (b) laziwe njengelona xabiso lichaneke kakhulu laloo mgangatho womlinganiselo kazwelonke; kwaye
- (c) kucaciswe ngokungaqiniseki komlinganiselo.
- (3) Umlinganiselo womgangatho ongengomgangatho womlinganiselo kazwelonke kufuneka— 40
- (a) ngenxa yeenjongo zomlinganiselo olungiselelwe nayiphi injongo yomthetho, ofanele ukuba ulandeleke ngokomkhondo omnye okanye ngaphezulu kumgangatho womlinganiselo kazwelonke;
- (b) ifanele ukuba ilandeleke kangangokuba umgangatho wemilinganiselo uhlobane nomnye okanye nangaphezulu kwimigangatho yemilinganiselo kazwelonke nanjengoko kuchaziwe kumhlathi (a) kuthotho lokuhlutyanyiswa— 45
- (i) ukuchaza iimeko ezingacacanga zemimiselo; noku
- (ii) thatyathwa yi- calibration laboratory neyamkelwa yi- South African National Accreditation System (SANAS) okanye ibhodi yokugunyazisa esekwe ngokwemithetho ye- Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act. 50

Act No. 18, 2006**MEASUREMENT UNITS AND MEASUREMENT
STANDARDS ACT, 2006**

(4) For the purposes of this section “calibration laboratory” means a body that performs a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or reference material, and corresponding values realised by standards, whatever their uncertainty.

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National reference measurements

6. A reference measurement or analysis performed for any legal purpose by the National Metrology Institute—

(a) stating uncertainties of measurement; and

(b) traceable to—

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(i) one or more national measurement standards; or

(ii) certified reference materials traceable to national measurement standards recognised under the CIPM Mutual Recognition Arrangement; or

(iii) internationally agreed references recognised through the CIPM,

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must be regarded as the true value.

Certificates

7. (1) The National Metrology Institute may issue a certificate stating the outcome of a measurement or analysis regarding any matter mentioned in section 5(2) or (3) and section 6.

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(2) The certificate referred to in subsection (1) must be signed by a person in the employ of the National Metrology Institute determined by the Board.

(3) The Board may authorise a person in the employ of the National Metrology Institute to certify a copy of a certificate contemplated in subsection (1) to be a true copy in the manner determined by the Board.

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(4) In any criminal proceedings a document which purports to be a certificate issued and signed in accordance with subsections (1) and (2) or a copy of such certificate certified in accordance with subsection (3) must upon its production be regarded as evidence of the facts contained therein.

CHAPTER 4

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ESTABLISHMENT OF NATIONAL METROLOGY INSTITUTE**Establishment of National Metrology Institute**

8. (1) The National Metrology Institute of South Africa is hereby established.

(2) The establishment of the National Metrology Institute does not affect the validity of any action taken by the CSIR National Metrology Laboratory prior to the commencement of this Act.

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(3) The National Metrology Institute—

(a) is a juristic person; and

(b) must exercise its functions in accordance with this Act.

(4) The Public Finance Management Act applies to the National Metrology Institute.

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Functions of National Metrology Institute

9. (1) The National Metrology Institute must—

(a) maintain the units described in section (2)(a) for South Africa in accordance with units defined by the CIPM and advise the Minister on other units described in section (2)(b);

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(b) keep and maintain all national measurement standards;

(4) Ngokweenjongo zesolotya lalo mthetho “icalibration laboratory” ithetha iziko apho kuthi umntu enze khona imisebenzi ethile ukumisa, phantsi kweemeko ezicacisiweyo, ukuhlobana phakathi kwamaxabiso omyinge achazwa ngumatshini wokulinganisa okanye inkqubo yokulinganisa, okanye amaxabiso amelwe sisilinganisi mpahla okanye imathiriyeli yesalathiso, kunye namaxabiso ahambelana nayo ngokwemigangatho, nokuba ithini na imeko yayo yokungabikho kwengqiniseko. 5

Imilinganiselo yesalathiso kazwelonke

6. Umlinganiselo wesalathiso okanye uhlalutyo ukwenzela nayiphina injongo yomthetho yequmrhu le-National Metrology Institute—

- (a) ukuchaza ukungaqiniseki kwemilinganiselo; kunye 10
- (b) nelandelekayo ko—
 - (i) mnye okanye nangaphezulu kwimigangatho yemilinganiselo kazwelonke; okanye
 - (ii) imathiriyeli zesalathiso eziqinisekisiweyo ezilandeleka ngomkhondo ngokwemigangatho yomlinganiselo kazwelonke echazwe ngaphantsi kwe-CIPM Mutual Recognition Arrangement; okanye 15
 - (iii) izalathiso ekuvunyelwene ngazo kwihlabathi ngokweqondo lehlalathi ezihlonitshiwe jikele yi-CIPM, kufuneka zithatyathwe njengezichane-kileyo.

Iziqinisekiso

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7. (1) iZiko leMetroloji likaZwelonke lingathi linikezele isiqinisekiso esichaza imimiselo okanye inkcazelo emayela nombandela ochazwe kwisolotya le-5(2) okanye (3) kunye nesolotya le-6.

(2) Isiqinisekiso esichazwe kwisolotyana(lo-1) sifanele ukuba sityikitywe ngumntu oqashwe kwiZiko leMetroloji likaZwelonke notyunjwe yibhodi. 25

(3) Ibhodi ingagunyazisa umntu oqeshwe kwiZiko leMetroloji likaZwelonke ukuba abe negunya lokuqinisekisa ikopi yesiqinisekiso ngendlela echazwe lisotyana(lo-1) ukuba yikopi yokwenene ngokwendlela echazwe yibhodi.

(4) Nakwawaphina amanyathelo asemthethweni malunga nokophulwa komthetho kufanele kugqithiselwe ixwebhu elisetyenziswe ngenjongo zokuba ibe isiqinisekiso elikhutshwe lityikitywa ngokuhambelana nesolotyana(lo-1) kunye ne(2) okanye ikopi yesiqinisekiso eqinisekisiwe ngokwesolotyana (le-3) kufuneka ekuvelisweni kwaso sithatyathwe njengobungqina. 30

ISAHLUKO 4

UKUSEKWA KWEZIKO LEMETROLOJI LIKAZWELONKE

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Ukusekwa kweZiko leMetroloji likaZwelonke

8. (1) iZiko leMetroloji likaZwelonke laseMzantsi Afrika lisekiwe.

(2) Ukusekwa kwequmrhu leZiko leMetroloji likaZwelonke akuchaphazeli nawaphi na amandla nesigqibo esathatyathwa liziko le-CSIR National Metrology Laboratory ngaphambi kokuqalisa kwalo mthetho. 40

(3) IZiko leMetroloji likaZwelonke—

- (a) linegunya ngokwasemthethweni; kwaye
- (b) lifanele ukuba lisebenze ngokuhambelana nalo mthetho.

(4) Umthetho wokuPhathwa kweeMali zoLuntu uyasebenze kwiZiko leMetroloji likaZwelonke. 45

Imisebenzi yeZiko leMetroloji likaZwelonke

9. (1) IZiko leMetroloji likaZwelonke lifanele—

- (a) ukugcina iiyuthi ezichazwe kwisolotya (2)(a) kweloMzantsi Afrika ngokuhambisana neeyunithi ezichazwe yiCIPM kunye nengcebiso zoMphathiswa kwezinye iiyuthi ezichazwe kwisolotya (2)(b); 50
- (b) ukugcina kwizinga eliphezulu yonke imigangatho yomlinganiselo kazwelonke;

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- (c) arrange for an appropriate periodic comparison of the national measurement standards with the corresponding national measurement standards or references recognised as such and ensure their correction, if necessary;
 - (d) certify reference materials and arrange for a comparison of the related procedures and primary methods with the corresponding other national procedures and primary methods and ensure their correction, if necessary; 5
 - (e) ensure compliance with and validation in terms of the stipulations of the CIPM Mutual Recognition Arrangement and must effect the inclusion of the Republic's calibration and measurement capabilities in this arrangement; and
 - (f) co-ordinate and manage international, regional and bilateral interaction with other national metrology institutes and bodies affiliated to the CIPM and interact with such institutes and bodies. 10
- (2) The National Metrology Institute may—
- (a) acquire or dispose of any right in or to property, but ownership in immovable property may be acquired or disposed of only with the consent of the Minister; 15
 - (b) open and operate banking accounts in the name of the National Metrology Institute;
 - (c) insure the National Metrology Institute against—
 - (i) any loss, damage or risk;
 - (ii) any liability it may incur in the application of this Act; 20
 - (d) perform legal acts, including acts in association with or on behalf of any other person or organ of state;
 - (e) subject to subsection (3), conclude agreements with organs of state and other persons; and
 - (f) institute or defend any legal action. 25
- (3) An agreement concluded in terms of subsection (2)(e) may not conflict with any international requirement binding on the National Metrology Institute.
- (4) The National Metrology Institute may—
- (a) keep and maintain the equipment necessary for bringing national measurement standards into being, certify reference materials and see to the procedures connected thereto; 30
 - (b) establish and maintain the necessary expertise and competence according to internationally acceptable standards;
 - (c) establish confidence in the accuracy of the national measurement standards by suitable and documented verification processes and by keeping the applicable records of the results; 35
 - (d) upgrade the existing measurement standards or develop such new measurement standards and reference material certification procedures in line with the requirements of commerce and industry;
 - (e) disseminate traceability, measurement expertise or services to South African commerce and industry by means of calibration, measurement or analysis, certified reference materials or appropriate technology and skills transfer; 40
 - (f) maintain close links with the CIPM and associated activities of the Metre Convention;
 - (g) participate and represent South Africa regionally and internationally with reference to traceability and measurement issues; 45
 - (h) nominate an institute with specific competence to represent the National Metrology Institute in a specific field of metrology where the National Metrology Institute does not have sufficient competence to do so;
 - (i) subcontract a part of its calibration, measurement or certified reference material certification activities to another laboratory with which it collaborates; and 50

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- (c) ukulungiselela uthlekiso olufanelekileyo ngamaxesha athile lwemigangatho yomlinganiselo kazwelonke ngokungqamene nemigangatho yomlinganiselo kazwelonke okanye izalathisi ezaziwayo nokuqinisekisa ngokuchaneka kwazo, xa kukho imfuneko yoko;
- (d) ukuqinisekisa imathiriyeli yokwalathisa nokulungiselela ukuthlekiswa kweenkqubo ezihambelanayo neendlela zesigaba esiphantsi ngokumayela neminye imigaqo ehambelana nezinye iinkqubo zikazwelonke nezigaba eziphantsi zemigaqo nokuqiniseka kulungiswa kwayo, xa kukho imfuneko;
- (e) ukuqinisekisa ukuthobela nokubasemthethweni ngokwexesha phantsi kwemimiselo ye-CIPM Mutual Recognition Arrangement kwaye ifanele ukuba ihambisana kunye nobume belizwe kwanemimiselo yezakhono ngokwesi sigqibo; kunye 10
- (f) nokubumba ndaweninye nokulawula kwizinga lehlabathi, lommandla kunye nengxonxo entlandlu-mbini namanye amaziko emetroloji kazwelonke namaqumrhu aphantsi kwe-CIPM kunye nokuthethana namanye amaziko namaqumrhu alolu hlobo. 15
- (2) IZiko leMetroloji likaZwelonke li—
- (a) ngafumana okanye lichithe ilungelo kwi- okanye lepropati, kodwa ubunini bempahla esisigxina bokufunyanwa okanye buchithwe kuphela xa kufunyenwe imvume yokwenza oko kuMphathiswa; 20
- (b) ngavula lisebenzise ibhanka ngegama leZiko leMetroloji likaZwelonke;
- (c) ngafaka kwi-inshorensi iZiko leMetroloji likaZwelonke ukulungiselela:
- (i) nayiphi ilahleko, umonakalo okanye umngcipheko;
- (ii) naluphi na olunye uxanduva olungathi luvele ngokusetyenziswa kwalo mthetho; 25
- (d) ngenza imisebenzi yomthetho, kuquka ukusebenzisana kunye okanye egameni lakhe nabani na okanye iqumrhu laseburhulumenteni;
- (e) nokwenza izigqibo lityikitye izivumelwano nalo naluphi na iqumrhu laseburhulumenteni okanye naye nabani na, ngokwesolotyana le (3), kwaye
- (f) lingafaka ibango okanye likhusele nawaphina amanyathelo asemthethweni. 30
- (3) Isivumelwano ekufikelelwe kuso phantsi kwesolotyana le (2)(e) masingakhabani naso nasiphina isibophelelo seZiko leMetroloji likaZwelonke kwihlabathi.
- (4) IZiko leMetroloji likaZwelonke li—
- (a) ngagcina izixhobo ezifunekayo ekuziseni imigangatho yemilinganiselo kazwelonke ibe yiyo, iqinisekise amaxwebhu okwalathisa kuze kuqwalaselwe iinkqubo ezihambelana noko; 35
- (b) ngafumanisa ligcine izakhono eziyimfuneko nobuchule ngokuhambelana nomgangatho owamkelekileyo ehlabathini;
- (c) ngaseka ukuzithemba ekuchaneni imigangatho yemilinganiselo kazwelonke ngeenkqubo zokuzalisekisa ezifanelekileyo nezibhaliweyo nokugcina iziphumo ezichaphazelekayo; 40
- (d) ngaphucula imigangatho yemilinganiselo esele kukudala ikho okanye liphuhlise imigangatho emitsha yemilinganiso kunye neenkqubo zokuqinisekisa imathiriyeli yokwalathisa ehambelana neemfuno zorhwebo noshishino; 45
- (e) ngahlwayela ukulandeleka ngembonakalo, ubuchule bolinganiselo okanye iinkonzo kwiqumrhu lezoshishino lwaseMzantsi Afrika ngenkqubo yamaqondo, imilinganiselo okanye ukucazululwa, imathiriyeli yokwalathisa eqinisekisiweyo okanye ubuchule bomashini balamaxesha obufanelekileyo kunye nokugqithiswa kwezakhono; 50
- (f) ngagcina ubudlelwane ne-CIPM kunye nemisebenzi ehambelana noko ye-Metre Convention;
- (g) ngathatha inxaxheba kwaye limele uMzantsi Afrika kummandla jikelele nakwihlabathi kwimiba yokulandeleka ngokwembonakalo nemiba yemilinganiselo; 55
- (h) ngachonga iziko elinezithako zokuba kwizinga lokumela iZiko leMetroloji likaZwelonke kwisigaba esithile semetroloji apho iZiko leMetroloji likaZwelonke lingenaso isakhono esifanelekileyo sokwenza oko;
- (i) ngathumela inxalenye yemisebenzi yayo yongqamaniso, imilinganiselo okanye imisebenzi yokuqinisekiswa kwemathiriyeli yokwalathisa eqinisekisiweyo kwenye ilabhorettri esebenzisana nayo; kwaye 60

- (j) establish technical advisory forums to facilitate dissemination of international best practice and gather input from commerce and industry.

CHAPTER 5

BOARD OF NATIONAL METROLOGY INSTITUTE

Board of National Metrology Institute and its composition 5

10. (1) The Board of the National Metrology Institute consists of—
- (a) not less than seven and not more than 12 members appointed by the Minister;
 - (b) the Chief Executive Officer appointed in terms of section 18 by virtue of his or her office;
 - (c) not more than two senior managers of the National Metrology Institute appointed by the Minister as executive members of the Board. 10

- (2) When appointing the members of the Board contemplated in subsection (1)(a), the Minister must ensure that those members—
- (a) are broadly representative of the demographics of the country including with regard to gender and disability; and 15
 - (b) have sufficient knowledge, experience or qualifications relating to the functions of the National Metrology Institute.

- (3) The chairperson of the Board must be selected by the members contemplated in subsection (1)(a) from amongst their number at the first meeting of the newly appointed Board and the selection must be approved by the Minister. 20

Term of office of members of Board

11. (1) Non-executive members of the Board hold office for a period not exceeding five years and are eligible for re-appointment for one further term only.
- (2) A person appointed to fill a vacancy holds office for the remaining portion of the term of the vacating member. 25
- (3) A member may resign by giving at least one month's written notice.

Disqualification of members of Board

12. (1) A person may not be appointed or continue to serve as a member of the Board if that person—
- (a) is an unrehabilitated insolvent; 30
 - (b) has at any time been convicted of an offence involving dishonesty;
 - (c) has, as a result of improper conduct, been removed from an office of trust; or
 - (d) has been declared by a court to be mentally ill or unfit.
- (2) A member of the Board must vacate his or her office if the member is absent from three consecutive meetings of the Board without the prior leave of the chairperson. 35
- (3) The Minister may, at any time, after consulting the Board, terminate the term of office of any member of the Board if there are good reasons for doing so.

Conditions of appointment of members of Board

13. (1) The conditions of appointment of members of the Board who are not employed by an organ of state are determined by the Minister. 40
- (2) The conditions of appointment may include remuneration and allowances payable to the members of the Board as determined by the Minister after consultation with the Minister of Finance.

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- (j) nokuseka amaqonga okucebisa kwezobuchwepheshe ukwenzela ukuba kube lula ukwabelana ngamava okuziphatha okungcono ehlabathini nokuqokelela ulwazi oluvela kwezorhwebo noshishino.

ISAHLUKO 5

IBHODI YEZIKO LEMETROLOJI KAZWELONKE

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Ibhodi yeZiko leMetroloji kaZwelonke nokubunjwa kwayo

10. (1) IBhodi yeZiko leMetroloji kaZwelonke yenziwa—
- (a) ngamalungu angekho ngaphantsi kwesixhenxe, kodwa angekho ngaphezulu kweshumi elinesibini nathe achongwa nguMphathiswa;
 - (b) liGosa eliyiNtloko yeSigqeba Sokulawula elonyulwe ngokwemigaqo yesolotyana le- 18 ngenxa yesikhundla akuso e-ofisini. 10
 - (c) ngabalawuli abaphezulu beZiko leMetroloji likaZwelonke abangekho ngaphezu kwesibini abonyulwe nguMphathiswa njengamalungu esigqeba sokulawula eBhodi.
- (2) Xa kuchongwa amalungu eBhodi ngokomgaqo wesolotyana lo-(1)(a), uMphathiswa kufanele ukuba aqinisekise ukuba lo malungu— 15
- (a) angabameli babo bonke abemi belizwe kuquka nesini nokubandezeleka ngokwasemzimbeni; kwaye
 - (b) anolwazi namava awoneleyo okanye amabakala emfundo ahlobeneyo nomsebenzi weZiko leMetroloji likaZwelonke. 20
- (3) Usihlalo weBhodi kufanele ukuba onyulwe ngamalungu njengoko kuchaziwe kwisolotyana lo-(1)(a) phakathi kwabo kwintlanganiso yokuqala yeBhodi entsha kwaye uchongo olo kufuneka luphunyezwe nguMphathiswa.

Ixesha lokulawula lamalungu eBhodi

11. (1) Abo bangengawo amalungu esigqeba sokulawula seBhodi babase-ofisini isithuba esingekho ngentla kweminyaka emihlanu kwaye banelungelo lokuba bangonyulwa kwakhona isihlandlo esinye kuphela. 25
- (2) Umntu othe wachongelwa ukuvala isikhewu esishiywe lilungu eliyekileyo uyakuba se-ofisini isithuba esingangeso sishiywe lilungu eliyekileyo.
- (3) Ilungu lingalahla ubulungu balo ngokufaka isaziso sokulahla isithuba esingangenyanga ngaphambi kokulahla. 30

Unqunyanyiso lwamalungu eBhodi

12. (1) Ubani akafanele ukuba achongwe njengelungu okanye aqhubeke njengelungu leBhodi ukuba ngaba lo mntu—
- (a) ukwisimo sokubhanga esibi; 35
 - (b) wayekhe wagwetywa nanini na kwityala elibandakanya ukungathembeki;
 - (c) wayekhe wakhutshwa kwi-ofisi yentembeko ngenxa yokungazi phathi kakuhle; okanye
 - (d) wayekhe wavakaliswa yinkundla ukuba akaphilanga ngokwasengqondweni okanye akalunganga. 40
- (2) Ukuba ilungu leBhodi lithe alabikho kwiintlanganiso ezintathu zilandelelanayo zeBhodi ngaphandle kwemvume kasihlalo kufanele liyeke e-ofisini.
- (3) UMphathiswa unakho nangaliphi na ithuba, emva kokuba ethe wafakana imilomo neBhodi, asinqumamise isivumelwano selungu leBhodi ukuba kukho izizathu ezibalulekileyo zokwenza oko. 45

Iimeko zokuchongwa kwamalungu eBhodi

13. (1) Iimeko zokuchonga kwamalungu eBhodi angaqeshwanga ngaphantsi kwequmrhu laseburhulumenteni zigqitywa nguMphathiswa.
- (2) Iimeko zokuchonga zingakuqala umvuzo kunye nezibonelelo ezihlawulwa amalungu eBhodi ngokwendlela egqitywe nguMphathiswa emva kokuthethana noMphathiswa wezeMali. 50

(3) Members who are employed by an organ of state are not entitled to remuneration and allowances but must be reimbursed by the National Metrology Institute for out of pocket expenses.

(4) Non-executive members of the Board are appointed part time.

Meetings of Board

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14. (1) The Board must meet at least four times a year.

(2) The first meeting of the Board is held at the time and place determined by the Minister.

(3) The chairperson of the Board decides when and where the Board will meet, but a majority of Board members may request the chairperson in writing to convene a meeting at a time set out in the request. 10

(4) If the chairperson is absent from a meeting, the Board may elect another member to preside at that meeting.

Quorum and decisions of Board

15. (1) The majority of the members of the Board constitute a quorum for a meeting of the Board. 15

(2) Decisions of the Board require the supporting vote of a majority of the members present at the meeting.

(3) The Board must keep minutes of its proceedings and decisions.

(4) The Board may, by resolution, make rules to further regulate its proceedings. 20

Committees of Board

16. (1) The Board may form committees to enable it to perform its functions.

(2) The Board must determine the composition, rules and procedures of committees established in terms of this section.

(3) The Board may from time to time dissolve or reconstitute a committee. 25

Consultative forum

17. (1) The Board must establish a consultative forum with representatives of organisations who have an interest in the matters contemplated in sections 2, 5 and 6.

(2) The forum must advise the Board on—

(a) matters in respect of which the National Metrology Institute could play a role; 30

(b) any other matter on which the Board requests advice.

(3) The Board must adopt a constitution and, if necessary, rules for the forum.

CHAPTER 6

EXECUTIVE MANAGEMENT

Appointment of Chief Executive Officer

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18. (1) The Board, after consulting the Minister, must appoint a suitably qualified person as Chief Executive Officer.

(2) The Chief Executive Officer is an employee of the National Metrology Institute and is accountable to the Board.

(3) The Chief Executive Officer is responsible for the efficient management of the National Metrology Institute and must perform any function delegated to him or her by the Board. 40

(4) The Chief Executive Officer holds office for an agreed term not exceeding five years and may be reappointed upon the expiry of that term of office.

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(3) Amalungu aqeshwe liqumrhu laseburhulumenteni akufanelekanga ukuba afumane mvuzo okanye zibonelelo kodwa kufanele ukuba abuyekwezwe Liziko Lemetrioloji Likazwelonke imali yawo athe ayisebenzisa eyikhupha ezingxoweni zawo.

(4) Amalungu angengawo awesigqeba sokulawula seBhodi achongwa okwethutyana.

IiNtlanganiso zeBhodi

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14. (1) IBhodi kufuneka ihlangane izihlandlo ezine ngonyaka ubuncinci.

(2) Intlanganiso yokuqala yeBhodi ibanjwa ngexesha nendawo egqitywe nguMphathiswa.

(3) Usihlalo weBhodi nguye ogqiba ukuba iBhodi iza kudibana nini phi, kodwa isininzi samalungu eBhodi sinakho ukufaka isicelo kusihlalo ngembalelwano sicele 10 ukuba kubanjwe intlanganiso ngexesha elichaziweyo kwisicelo eso.

(4) Ukuba usihlalo akekho entlanganisweni, iBhodi ifanele ukuba yonyule elinye ilingu lichophele lo ntlanganiso.

IKhoram nezigqibo zeBhodi

15. (1) Isininzi samalungu eBhodi sibeka intlanganiso kwinqanaba lokuba 15 ingaqhubeka kwaye ithathe isigqibo kwintlanganiso leyo yeBhodi.

(2) Isigqibo seBhodi sifanele ukuba sixhaswe yivoti yesininzi samalungu akhoyo kulo ntlanganiso.

(3) IBhodi kufuneka ukuba ibhale imizuzu yeenkqubo zayo kunye nokuthathwa kwezigqibo. 20

(4) IBhodi inakho ukuba, ngokwesivumelwano, ukwenza imithetho yokuqhubekekisa iinkqubo zayo.

IiKomiti zeBhodi

16. (1) IBhodi inakho ukumilisele iikomiti ukwenzela ibe nakho ukwenza imisebenzi yayo. 25

(2) IBhodi kufuneka igqibe ngoqulunqo, imithetho kunye nemigaqo yeekomiti ezisekwe phantsi kweli soloty lomthetho.

(3) IBhodi inakho amaxa ngamaxesha ukuba ichithe okanye iqulunqe kwakhona ikomiti.

Iqonga lokungqubalisa iintloko

17. (1) IBhodi kufuneka ukuba iseke iqonga lokunika iingcebiso elinabameli abavela 30 kumaqurhu anomdla kwimiba ecwangciswe kwisoloty Ia-2, 5 nele- 6.

(2) Iqonga kufuneka ukuba licebise iBhodi—

(a) kwimiba apho iZiko leMitroloji likaZwelonke linokudlala indima khona;

(b) kuwo nakuwiphi na umbandela apho iBhodi icela iingcebiso khona.

(3) IBhodi kufanele ukuba yamkele umgaqo-siseko, ukuba kuyimfuneko yenze 35 imithetho iqonga leengcebisa emalisebenzise yona.

ISAHLUKO 6

ULAWULO LWESIGQEBA

Uchongo lweGosa eliyiNtloko yeSigqeba Sokulawula

18. (1) IBhodi emva kokufakana imilomo noMphathiswa, kufuneka ichonge umntu 40 onamabakala afanelekileyo ukuba abe liGosa eliyiNtloko yeSigqeba Sokulawula.

(2) IGosa eliyiNtloko yeSigqeba Sokulawula lingumsebenzi weZiko leMetroloji likaZwelonke kwaye linoxanduva lokufaka ingxelo kwiBhodi.

(3) IGosa eliyiNtloko yeSigqeba Sokulawula linoxanduva lokuba liqinisekise ukuba iZiko leMetroloji likaZwelonke lilawula ngobuchule kwaye kufuneka enze nawuphina 45 umsebenzi agunyaziswe ukuba makawenze yiBhodi.

(4) IGosa eliyiNtloko yeSigqeba Sokulawula libamba esi sikhundla kangangexesha ekuvunyelwene ngalo elingekho ngaphezu kweminyaka emihlanu kwaye lisenoku-phinda lonyulwe emva kokuphela kwexesha lalo e-ofisini.

(5) If the Chief Executive Officer is unable to fulfil his or her functions, the Board may appoint an acting Chief Executive Officer to exercise the powers and perform the functions of the Chief Executive Officer.

Employment contract and performance agreement

19. (1) The employment contract of the Chief Executive Officer must be in writing and must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act. 5

(2) The Board and the Chief Executive Officer must conclude a performance agreement for the Chief Executive Officer.

(3) The performance agreement must include— 10

(a) measurable performance objectives and targets that must be met, and the time frames within which those performance objectives and targets must be met;

(b) standards and procedures for evaluating performance and intervals for evaluation; and

(c) the consequences of substandard performance. 15

Appointment of staff

20. The Chief Executive Officer, after consulting the Board, may—

(a) appoint staff to assist the National Metrology Institute in carrying out its functions; and

(b) determine the remuneration, allowances, benefits and other terms and conditions of appointment of members of staff taking into account the Public Service Act, 1994 (Proclamation No. 103 of 1994). 20

Services of non-employees

21. The National Metrology Institute may enter into a contract with any person other than an employee to perform any of its functions for and on behalf of the National Metrology Institute. 25

Delegation

22. (1) The Board may delegate any of its functions to the Chief Executive Officer in accordance with this section.

(2) The Chief Executive Officer may delegate functions entrusted to the Chief Executive Officer under this Act to— 30

(a) any other person with appropriate knowledge and experience who is under the control of the Chief Executive Officer; or

(b) any other person, after consulting the Board.

(3) A delegation under subsection (1) or (2) must be in writing and— 35

(a) may be subject to any conditions or restrictions determined by the Board or the Chief Executive Officer;

(b) does not prevent the exercise of any power by the Board or the Chief Executive Officer; and

(c) may be withdrawn or amended by the Board or the Chief Executive Officer. 40

CHAPTER 7

FINANCIAL MANAGEMENT

Funds and investments

23. (1) The funds of the National Metrology Institute consist of—

(a) money that is appropriated by Parliament for that purpose; 45

(b) income derived by the National Metrology Institute from its services or products;

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(5) Ukuba ngaba iGosa eliyiNtloko yeSigqeba Sokulawula alikwazi ukuyiphumeza imisebenzi yalo, iBhodi isenokuchonga ibambela ukuze lisebenzise elo gunya lenze nomsebenzi weGosa eliyiNtloko yeSigqeba Sokulawula.

Isivumelwano sengqesho kunye nesivumelwano sokwenziwa komsebenzi

19. (1) Isivumelwano sengqesho seGosa eliyiNtloko yeSigqeba Sokulawula kufuneka ukuba sibhalwe phantsi kwaye sibe nefomu efanelekileyo equka izibonelelo zesolotyama-57 loMthetho wokuPhathwa kweeMali zoLuntu. 5
- (2) IBhodi kunye neGosa eliyiNtloko yeSigqeba Sokulawula kufuneka baqulunqe isivumelwano sokwenziwa komsebenzi weGosa eliyiNtloko yeSigqeba Sokulawula.
- (3) Isivumelwano sengqesho Kufanele siquke— 10
- (a) Izicwangciso zomsebenzi ezilinganisekayo kunye nemigomo ekumele ifikelelewe, kwakunye nexesha elilinganiselweyo loku fikelela ezo zicwangciso zomsebenzi nemigomo; 10
 - (b) imigangatho neendlela zokuvavanya umsebenzi kunye namaxesha okuthatbatha uvavanyo; kunye 15
 - (c) imiphumela yomsebenzi ongaphantsi komgangatho.

Ukuqeshwa kwabasebenzi

20. IGosa eliyiNtloko yeSigqeba Sokulawula, emva kokucebisa neBhodi, linga—
- (a) chonga abasebenzi ukuze bancedise iZiko leMetroloji likaZwelonke ekwenzeni umsebenzi walo; kwaye 20
 - (b) ngagqiba ngemivuzo, izibonelelo, namqithi-qithi neminye imiqathango nemimiselo engqesho yabasebenzi phantsi kwegqwalasela yomthetho weMisebenzi yoLuntu, 1994 (IsiNdululo esinguNombolo 103 ka-1994).

Iinkonzo zabo bangengabasebenzi

21. IZiko leMetroloji likaZwelonke lingenza isivumelwano naye nabani na ongengomsebenzi ukuba enzele okanye enze egameni leZiko leMetroloji likaZwelonke umsebenzi. 25

Unikezelo lwamagunya

22. (1) IBhodi inakho ukunikezela nayiphi na imisebenzi yayo kwiGosa eliyiNtloko yeSigqeba Sokulawula ngokuhambelana neli solotyama. 30
- (2) IGosa eliyiNtloko yeSigqeba Sokulawula linakho ukunikezela ngayo nayiphi na imisebenzi eliphathiswe yona phantsi kwalo Mthetho kuye—
- (a) nabani na onolwazi namava afanelekileyo ophantsi kolawulo lweGosa eliyiNtloko yeSigqeba sokulawula; okanye
 - (b) nawuphi na umntu, emveni kokucebisa neBhodi. 35
- (3) Unikezelo lwamagunya phantsi kwesolotyama lo- (1) okanye le-(2) kufuneka ukuba lubhalwe phantsi kwaye—
- (a) linokuba phantsi kwayo nayiphi na imiqathango okanye izithintelo ezigqitywe yiBhodi okanye iGosa eliyiNtloko yeSigqeba Sokulawula;
 - (b) aluthinteli kusetyenziswa lalo naliphi na igunya leBhodi okanye iGosa eliyiNtloko yeSigqeba Sokulawula; kwaye 40
 - (c) lisenokurhoxiswa okanye lihlonyelwe yiBhodi okanye iGosa eliyiNtloko yeSigqeba Sokulawula.

ISIAHLUKO 7

UKUPHATHWA KWEMALI

45

Imali kunye notyalo-mali

23. (1) IZiko leMetroloji likaZwelonke lingatyala imali yalo engekafuneki ngokukhawuleza—
- (a) ngokuxhomekeke kuyo nayiphi na inkqubo yotyalo-mali emiswe phantsi kwesolotyama le- 7(4) loMthetho wokuPhathwa kweeMali zoLuntu; kwaye 50
 - (b) ngendlela enokuthi iphunyezwe nguMphathiswa.

- (c) income derived by the National Metrology Institute from its investments; and
- (d) money received from any other source.

(2) The National Metrology Institute may invest any of its funds not immediately required—

- (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and 5
- (b) in such manner as may be approved by the Minister.

Financial year and accounting

24. The financial year of the National Metrology Institute is from 1 April in any year to 31 March in the following year, except that the first financial year of the National Metrology Institute begins on the date that this Act comes into operation, and ends on 31 March next following that date. 10

CHAPTER 8

GENERAL PROVISIONS

Offences 15

25. (1) Any person who knowingly—

- (a) makes or assist in making a report, return, notice or any other document to be sent to any other person, as required by this Act, that contains an untrue statement of a material fact; or
- (b) omits to state a material fact on any of the documents referred to in paragraph (a) that will be sent to any other person, as required by this Act; or 20
- (c) misrepresents data or the symbol of the National Metrology Institute,

is guilty of an offence.

(2) A person convicted of an offence under this section is liable to a fine or to imprisonment for a period not exceeding 24 months or to both a fine and such imprisonment. 25

Regulations

26. The Minister may make regulations regarding any ancillary or incidental administrative or procedural matter that it is necessary or expedient to prescribe for the proper implementation or administration of this Act. 30

Repeal of laws

27. Subject to section 28, the laws referred to in the second column of the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

Transitional provisions

28. (1) For the purposes of this section “effective date” means the date on which the National Metrology Institute is established as a juristic person. 35

(2) As from the effective date—

- (a) all rights, obligations, assets and liabilities acquired or incurred by the CSIR National Metrology Laboratory vest in the National Metrology Institute;
- (b) all employees of the CSIR National Metrology Laboratory are transferred to the National Metrology Institute as if section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), applies; 40
- (c) all notices, designations and certificates issued in terms of the Measuring Units and National Measuring Standards Act, 1973 (Act No. 76 of 1973), must be regarded as having been issued in terms of this Act; and 45

Unyaka-mali kunye nocalulo-mali

24. Unyaka-mali weZiko leMetroloji likaZwelonke uqala ngomhla wo-1 kwinyanga ka-April nokuba kungowuphi na unyaka ukuya kutsho ngomhla wa-31 ku-Matshi wonyaka olandelayo, ngaphandle kokuba unyaka mali wokuqala weli Ziko leMetroloji likaZwelonke uqala ngosuku apho lo Mthetho uqala ukusebenza ngalo, kwaye uphela ngomhla wa-31 kuMatshi olandelayo emveni kolo suku. 5

ISAHLUKO 8**ULUNGISELELO JIKELELE****Amatyala**

25. (1) Ngokommiselo woMthetho weNkuthazo yoFikelelo kuLwazi, 2000 (uMthetho onguNombolo 2 ka-2000), umntu wophula umthetho ngokudiza ulwazi athe walufumana ngethuba esenza nawuphi na umsebenzi ocwangcise kulo Mthetho ngaphandle kokuba— 10

- (a) udizo olo luyimfuneko ekusetyenzisweni kwalo Mthetho;
- (b) udizo olo luyimfuneko ekwenziweni kobulungisa; okanye 15
- (c) nabani na unelungelo kolo lwazi.

(2) Nawuphi na umntu othe esazi—

- (a) wenza okanye wancedisa ekwenzeni ingxelo, iingxelo, isaziso okanye naluphi na uxwebhu nolukuthi luthunyelwe nokuba kukubani, nje ngoko kulindelekile kulo Mthetho, eliquathe intetho engeyonyani kwimiba ebalulekileyo; 20
- (b) wasilela ukukhankanya iingcombolo ezibalulekileyo kulo naluphi na uxwebhu kula akhankanye kumhlathi (a) eliya kuthunyelwa kuye nakuwuphi na umntu, njengoko kulindelekileyo phantsi kwalo Mthetho; okanye
- (c) wanikezela ngokunga fanelekanga incukacha okanye uphawu lweNational Metrology Institute, 25

unobutyala kulwaphulo-mthetho.

(3) Umntu othe wafunyaniswa enetyala phantsi kweli solotya angathi ohlwaywe imali okanye isigwebo sangaphakathi sexesha elingekho ngaphezu kweenyanga ezi-24 okanye zozibini isohlwayo semali nesigwebo esilelo hlobo sangaphakathi.

Imimmiselo 30

26. UMphathiswa angenza imimmiselo malunga nolawulo oluncedisayo okanye olungalindelekanga okanye imiba emalunga nenkqubo eyimfuneko okanye ekhawulezisa umiselo losetyenziso oluchanekileyo okanye ulawulo lwalo Mthetho.

Uguzulo lwemithetho

27. Ngokwesolotya lama-29, imithetho ekubhekiswa kuyo kuluhlu lwesibini lweShedyuli iyaguzulwa ngokobungakanani obubonakaliswe kuluhlu lwesithathu lweShedyuli. 35

Amalungiselelo ethutyana

28. (1) Ngokweenjongo zeli solotya “umhla wokusebenza” uthetha umhla apho iZiko leMetroloji likaZwelonke lithe lasekwa njengogunyaziwe. 40

(2) Ukusukela ngomhla wokusebenza—

- (a) onke amalungelo, iimbophelelo, ii-asethi kunye namatyala enziwe okanye afunyenwe liziko le-CSIR National Metrology Laboratory zisegunyeni leZiko leMetroloji likaZwelonke;
- (b) bonke abasebenzi beziko le-CSIR National Metrology Laboratory batshintshelwa kwiZiko leMetroloji likaZwelonke ngokungathi isolotya le-197 loMthetho wezabaSebenzi, 1995 (uMthetho onguNombolo yama-66 ka-1995), liyasebenza; 45
- (c) zonke izaziso, izikhundla kunye neziqinisekiso ezithe zakhutshwa phantsi koMthetho weeYunithi zoMlinganiselo kunye neMigangatho yoMlinganiselo, 1973 (onguNombolo yama-76 ka-1973), kufanele zithatyathwe njengezikhutshwe phantsi kwalo Mthetho; kwaye 50

Act No. 18, 2006**MEASUREMENT UNITS AND MEASUREMENT
STANDARDS ACT, 2006**

- (d) all regulations made in terms of the Measuring Units and National Measuring Standards Act, 1973 (Act No. 76 of 1973), must be regarded as having been made in terms of this Act.

Short title and commencement

29. This Act is called the Measurement Units and Measurement Standards Act, 2006, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*. 5